
Public Utilities Commission of the State of California

Results of Public Agenda 3110

Meeting Held on Thursday, April 3, 2003 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Susan P. Kennedy

Loretta M. Lynch

Carl W. Wood

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Monday, May 05, 2003 (San Francisco)	Thursday, May 08, 2003 (San Francisco)
Monday, May 19, 2003 (San Francisco)	Thursday, May 22, 2003 (San Francisco)
Monday, June 02, 2003 (San Francisco)	Thursday, June 05, 2003 (San Francisco)
Monday, June 16, 2003 (San Francisco)	Thursday, June 19, 2003 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
-

Public Comment:

Re H-4:

Dennis LaMoreaux, Palmdale Water District

EJM McFadden, Potter Valley, CA

Paul Wuebben, South Coast Air Quality Management District, Diamond Bar, CA

Tom Young, Richmond, CA

Re 1:

Don Paul, San Francisco, CA

Marie Harrison, Bay View/Hunters Point, CA

Re E-7: Louis Blumberg, Department of Forestry & Fire Protection, San Francisco, CA

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

CA-1

Res TL-19024

1852

Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-2

Res ALJ 176-3110

1853

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-3
1806****A02-01-035 - Southern California Edison Company (Edison).**

This decision approves agreements between Edison and four qualifying facilities (QFs) that resolve payment disputes, but do not modify the contract energy price. This decision also approves three agreements between Edison and three QFs that resolve payment disputes and modify the contract energy price. This proceeding is closed.

(Comr Wood - ALJ DeBerry)

Outcome Signed

D03-04-001

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-4 (Rev.) Res T-16713**1807**

This resolution revokes the competitive carrier Certificates of Public Convenience and Necessity held by the following 78 companies for failure to comply with D93-05-010: CPCN# (#)5148- Network USA, #5284-WATS/800, Inc., #5310-Adnet Telemanagement, Inc., #5352-American Tel Enterprises, Inc., #5379-WC TTI, Inc., #5417-Bay Area Cellular Telephone Co., #5529-Nationwide Long Distance, Inc., #5538-Federal Communications Group, Inc., #5548- Century Telecommunications, Inc., #5577-Northwest Communications, Inc., #5599-Hispanic Communications Group, #5622-American Business Alliance, Inc., #5629-Digital Network of Texas, Inc., #5650-Vista Group International, Inc., #5704-Minimum Rate Pricing, #5727-Justice Telecom Group, #5774-Brumfield Network Communications, #5783-FirstWorld SGV, #5810-Quad International Communications, #5829-Northpoint Communications, Inc., #5833-Telecircle International Communications, #5834-Global Link Telco Corp., #5856-New Concept Communications, LLC, #5870-Prime Matrix Telecommunications, #5901-W T Communications Services, Inc., #5911-UNA Telecommunications, Inc., #5923-Nexstar Communications, Inc., #5930-Cyberlight International, Inc., #5961-PDO Communications, #5967-Tele/share Communications, Inc., #5977-One Tel, Inc., #5992-Comm/Net IEC, #6000-Tin Can Communications Company, #6006-Business Technology Systems, Inc., #6009-Trans Coast Communication, Inc., #6014-Advantage Plus, #6021-Prime Call, Inc., #6023-Touchlink (Globalink Communications), #6033-New Millennium Communications Corp., #6034-Combined Billing Communications, Inc., #6047-US Republic Communications, Inc., #6049-Valnet Communications, LLC, #6057-Global Communications, Inc., #6071-Elias Ventures, Inc., #6088-Rocky Mountain Broadband, Inc., #6116-New Millennium Conquest Services Corp, #6125-International Economic Telecomm, Inc., #6172-Global-Sat, LLC, #6177-Lotel, Inc., #6181-Wireless USA, Inc., #6200-First Regional Telecom, Inc., #6207-US Communications Services, Inc., #6243-Miracle Communications, Inc., #6250-Comcard International, Ltd., #6251-Single Billing Services, Inc., #6254-Napa Communications, #6259-Camino Communications, #6264-Zoom-I-Net Communications, Inc., #6266-Mainnet, Inc., #6292-International Call Center, Inc., #6295-Gold Tel Corporation, #6297-Sterling Time Company, #6311-Internet Global Telephony, LLC, #6312-RTI Communications, Inc., #6339-Phone X Changes, Inc., #6381-Platinum Development Company, LLC, #6432-Eccom USA Limited, #6468-IP Voice Communications, Inc., #6477-HD Marketing, LLC, #6481-Metstream Communications, Inc., #6499-California Telephone Company, LLC, #6515-Telicon, Inc. (TSC Communications), #6520-Pare Communications, #6526-Clariti Telecom, Inc., #6528-West End Communications, Inc., #6550-New Orbit Com, #6558-Thai American Telecommunications, Inc., #6587-Clearline Communications, Inc.

03/26/2003 - This revision was not shown on the Agenda mailed to the public.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-5
1836****A00-05-032 - Pacific Gas and Electric Company (PG&E).**

PG&E seeks authorization pursuant to Pub. Util. Code §§ 367(b) and 851, to market value by sale certain generation-related parcels of land in Rodeo, Martinez, and Antioch. The Commission concludes that the application is barred under § 377 and the application is dismissed without prejudice. This proceeding is closed.

(Comr Lynch - ALJ Patrick)

Outcome Held (5/8/03. Regular Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-6
1838****A00-05-033 - Pacific Gas and Electric Company (PG&E).**

PG&E seeks authorization pursuant to Pub. Util. Code §§ 367(b) and 851, to market value by sale a generation-related property at Bridgehead Road in Antioch. The Commission concludes that the application is barred under § 377 and the application is dismissed without prejudice. This proceeding is closed.

(Comr Lynch - ALJ Patrick)

Outcome Held (5/8/03. Regular Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-7
1839****A00-05-029 - Pacific Gas and Electric Company and California Waterfowl Association.**

A00-05-030 - Related matters. This decision determines that Pub. Util. Code § 377 bars the transfer of land and other property at issue in these consolidated applications, after considering the parties' briefs on this subject, previous decisions of this Commission and California case law, and federal accounting standards. These proceedings are closed.

(Comr Lynch - ALJ Vieth)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-8
1851****A97-12-020 - Pacific Gas and Electric Company (PG&E).**

I97-11-026, A94-12-005, I95-02-015 - Related matters. In connection with the test year 1999 general rate case (GRC) of PG&E, the Commission approves and adopts an uncontested stipulation pertaining to PG&E's electric distribution plant (Stipulation). Pursuant to the Stipulation, the forecast of net additions to electric distribution plant for 1998 that was adopted in D00-02-046 is reduced by \$88.375 million. Pursuant to the Commission's order in D01-10-031, the revenue requirement impact of the plant reduction, along with other adjustments that have been ordered by the Commission, will be calculated in a final Results of Operations analysis which is to be performed by PG&E and filed by PG&E by advice letter. With this decision, all pending matters in the dockets constituting PG&E's 1999 GRC are resolved. The dockets are therefore ordered closed.

(Comr Wood - ALJ Wetzell)

Outcome Signed

[D03-04-002](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-9
1869****A02-12-035 - Focal Communications Corporation of California.**

This decision grants uncontested application of Focal Communications Corporation of California to discontinue DSL services in the State of California. This proceeding is closed.

(Comr Brown - ALJ Thorson)

Outcome Signed

[D03-04-003](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-10
1870****I02-09-002 - Order Instituting Investigation on the Commission's own motion into the operations and practices of Premier Van Lines, Inc., formerly known as Mon Van Moving Services, Inc., and its president and sole shareholder Gary R. Grubb, re violating terms and conditions of settlement adopted by the Commission in D00-06-013.**

This decision revokes the household goods mover permit of Premier Van Lines, Inc. with prejudice.

(Comr Wood - ALJ Ryerson)

Outcome Signed

[D03-04-004](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-11 1877 R02-08-002 - Order Instituting Rulemaking on the Commission's own motion to examine whether the regulations regarding prearrangement of charter-party transportation contained in General Order 157-C should be revised.

This Rulemaking is discontinued for lack of interest. This proceeding is closed.

(Comr Kennedy - ALJ Rosenthal)

Outcome Held (5/8/03. Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

CA-12 1880 A02-12-017 - CAT Communications International, Inc. (CAT).

This decision grants the application of CAT for a certificate of public convenience and necessity to provide limited facilities-based local exchange telecommunications services. This proceeding is closed.

(Comr Brown - ALJ O'Donnell)

Outcome Signed

[D03-04-005](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-13 1881 A02-11-049 - Choctaw Communications, Inc. dba Smoke Signal Communications (Choctaw).

This decision grants Choctaw a certificate of public convenience and necessity to provide limited facilities-based local exchange telecommunications services. Applicant was previously granted resale authority. This proceeding is closed.

(Comr Peevey - ALJ O'Donnell)

Outcome Signed

[D03-04-006](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-14
1882****C02-06-010 - Board of Supervisors of the County of Nevada (County) vs. SBC Pacific Bell (SBC).**

This decision approves a settlement between the County and SBC. The settlement provides that residents of Nevada County currently served by the Yuba County Smartville Exchange will be served out of the Nevada County Grass Valley Exchange. This proceeding is closed.

(Comr Brown - ALJ Jones)

Outcome Signed

D03-04-007

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-15
1909****A01-04-007 - Southern California Gas Company.**

For authority pursuant to Public Utilities Code Section 851 to sell cushion gas in its Aliso Canyon and La Goleta Storage Fields. This decision awards The Utility Reform Network the amount of \$16,579.04 for compensation for substantial contributions to D01-06-086 and D02-11-028. This proceeding is closed.

(Comr Lynch - ALJ Wong)

Outcome Signed

[D03-04-008](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-16
1910****Res O-0044 - Shell California LLC.**

This resolution approves request of Shell California LLC to increase rates on their Ventura 10 inch, THUMS, Fillmore Ventura Gathering and Brea Systems. (Advice Letter 3, filed November 14, 2002)

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-17
1915****A02-10-042 - Southern California Regional Rail Authority (SCRRA).**

This decision grants a variance from side-clearance requirements of General Order 26-D to SCRRA for concrete-encased skylights adjoining tracks between passenger platforms at Metrolink's Laguna Niguel station at Mile Post 193.0. Agreed-to ramping of platform edges and warning signage will mitigate the hazard to a safe level. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D03-04-009](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-18
1917****A02-11-025 - Pacific Gas and Electric Company (PG&E).**

This decision grants PG&E's application to amend an existing license agreement with a third party to allow construction of a cabin on utility-owned land under Public Utilities Code Section 851. The amended license is sought to permit the licensees Donald R. Buckman and Mari Ann Lucena to build a cabin on a recreational home site located on PG&E property at Bucks Lake, California. This proceeding is closed.

(Comr Brown - ALJ Bemederfer)

Outcome Signed

[D03-04-010](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-19
1918****A00-11-038 - Southern California Edison Company.**

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision grants \$228,897.32 to The Utility Reform Network in compensation for substantial contributions to D01-03-081, D01-04-005, D01-10-067, D02-02-051, D02-02-052, D02-03-058, D02-03-062, and D02-04-016.

(Comr Brown, Comr Lynch - ALJ Pulsifer)

Outcome Signed

[D03-04-011](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-20
1919****(ECP) C02-05-015 - Ellen Shing (Complainant) vs. SBC Pacific Bell (SBC).**

Complainant alleges that SBC charged her for local toll calls which should have been local calls to access her Internet Service Provider. This decision grants Complainant's request for relief in the amount of \$435.42. This proceeding is closed.

(Comr Peevey - ALJ Patrick)

Outcome Signed

[D03-04-012](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-21
1920****(ECP) C02-04-043 - Michael Klein (Complainant) vs. SBC Pacific Bell (SBC).**

Complainant alleges that SBC charged him for local toll calls which should have been local calls to access his Internet Service Provider. This decision grants Complainant's request for relief in the amount of \$389.70. This proceeding is closed.

(Comr Kennedy - ALJ Patrick)

Outcome Signed

[D03-04-013](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-22
1921****(ECP) C01-12-044 - Robert Rycerski (Complainant) vs. SBC Pacific Bell (SBC).**

Complainant alleges that SBC charged him for local toll calls which should have been billed as local calls to access his Internet Service Provider. This decision grants Complainant's request for relief in the amount of \$314.87. This proceeding is closed.

(Comr Wood - ALJ Patrick)

Outcome Signed

[D03-04-014](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-23
1923****A02-12-020 - IDT America Corp. (IDT).**

This decision grants IDT a certificate of public convenience and necessity under Pub. Util. Code § 1001 for authority to provide limited facilities-based and resold local exchange telecommunications services. This proceeding is closed.

(Comr Brown - ALJ Bemederfer)

Outcome Signed

[D03-04-015](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-24
1924****Res T-16739 - SBC California (SBC).**

This resolution approves an Interconnection Agreement between SBC and Arch Wireless Operating Company, Inc. in accordance with the provisions of General Order 96-A and Resolution ALJ-181.

(Advice Letter 23511, filed January 27, 2003)

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-25
1925****A02-12-046 - Talk Unlimited Now, Inc. (Applicant).**

This decision grants the Applicant a certificate of public convenience and necessity to provide limited facilities-based local exchange telecommunications service. This proceeding is closed.

(Comr Lynch - ALJ O'Donnell)

Outcome Signed

[D03-04-016](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-26
1926 A02-12-008 - Mohmed Taha, Mohamed Elba and Mamdouh Hassan dba All Counties
Airporter (Applicant).**

This decision authorizes the Applicant to operate a passenger stage corporation between the Counties of San Francisco, Alameda, Contra Costa, Santa Clara and Marin and the International Airports of San Francisco, Oakland, and San Jose. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D03-04-017](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-27
(Rev.)
1927 R02-01-010 - Rulemaking to Repeal Rule 63.2(b) of Commission Rules of Practice and
Procedure.**

This decision closes R02-01-010, which proposed the repeal of Rule 63.2(b) regarding petitions for automatic assignment of the assigned ALJ in ratesetting proceedings, based on the Commission's previous decision to disapprove this Rule change. This proceeding is closed.

(Comr Lynch - ALJ Prestidge)

03/27/2003 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed

[D03-04-018](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-28
1929 Res SU-52 - Santa Clara Valley Transportation Authority (VTA).**

This resolution authorizes VTA a variance from General Order 95 (G.O.95), Rule 37, Table 1, Case 3-C, at a location above surface streets immediately to the east of State Route 87 (SR87)) overpass at West San Carlos Street and Woz Way in San Jose. Whereas G.O. 95, Rule 37, Table 1, Case 3-C requires a clearance of 19 feet between overhead trolley conductors and road surface, this variance would permit VTA to lower the overhead trolley conductors to 15.91 feet at surface streets immediately to the east of the overpass.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

- CA-29
1932** **A02-11-017 - Pacific Gas and Electric Company (PG&E).**
For authority, among other things, to increase revenue requirements for electric and gas service and to increase rates and charges for gas service effective on January 1, 2003. I03-01-012, A02-09-005 - Related matters. This decision grants PG&E's request to delay filing of testimony on marginal costs, revenue allocation, and rate design.
(Comr Peevey - ALJ Cooke)
Outcome Signed
[D03-04-019](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-30
1933** **Res W-4383 - California Water Service Company (CWSC).**
This resolution authorizes CWSC, Bakersfield District, a rate base offset revenue increase of \$1,894,396 or 2.77% additional annual revenue. (Advice Letter 1541, filed March 4, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-31
1937** **I02-04-027 - Order Instituting Investigation into the operations and practices of Verizon (formerly GTE California Incorporated) with respect to its Individual Case Basis Contracts.**
This decision extends Pub. Util. Code § 1701.2(d) twelve-month adjudicatory deadline.
(Comr Peevey - ALJ McVicar)
Outcome Signed
D03-04-020
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-32
1939** **Res T-16738 - Roseville Telephone Company (Roseville).**
This resolution approves an Interconnection Agreement between Roseville and Sprint PCS, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 758, filed January 27, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

**CA-33
1942****A02-11-037 - ACC Telecommunications, L.L.C. (ACC).**

This decision grants the unopposed request of ACC to withdraw facilities-based and resold local exchange and interexchange telecommunications services, and dedicated services in Los Angeles, Orange County, and San Diego, California. This proceeding is closed.

(Comr Peevey - ALJ Reed)

Outcome Signed

[D03-04-021](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-34
1943****A02-12-025 - Verizon California Inc. (Verizon).**

This decision grants Verizon the authority to issue and sell \$1,340,000,000 Debt Securities in order to retire long-term debt securities and refund short-term obligations. This proceeding is closed.

(Exam Leutza)

Outcome Signed

D03-04-022

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-35
1944****W-4386 - Great Oaks Water Company (Great Oaks).**

This resolution authorizes a temporary surcharge to recover under-collections in Great Oaks' water production and purchased power balancing accounts producing an increase in revenue of \$966,536 or 4.85%. (Advice Letter 155, filed February 26, 2003)

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-36
1945****W-4385 - Point Arena Water Works, Inc. (PAWW).**

This resolution denies the request of PAWW to adjust the surcharge rates authorized in Res W-4233 due to changes in the number of customers by meter size. (Advice Letter 44, filed October 10, 2002)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- CA-37**
1946 **Res E-3819 - Pacific Gas and Electric Company (PG&E).**
PG&E submits an agreement with TCI Cablevision of California, Inc. in accordance with Section X.A of General Order 96-A. Approved. (Advice Letter 2314-E, filed December 3, 2002)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-38**
1949 **Res W-4387 - Del Oro Water Company, Paradise Pines District (DOWCPP).**
This resolution authorizes DOWCPP a one-time water quantity surcharge producing an increase in revenue of \$38,626.12 or 2.8% to offset costs of purchased water. (Advice Letter (AL) 114, filed January 13, 2003, and Supplemental AL 114-A, filed February 19, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-39**
1950 **Res W-4388 - Arrowhead Manor Water Company, Inc. (AMWC).**
This resolution authorizes AMWC an offset rate increase of \$68,447 or 20.1% in additional revenue due to contract work and purchased water costs. (Advice Letter (AL) 50-W, filed January 15, 2003 and supplemented by AL 50-W-A, filed February 25, 2003)
Outcome Approved
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- CA-40**
1956 **C02-04-006 - Laguna Irrigation District vs. Pacific Gas and Electric Company.**
This decision extends the 12-month statutory deadline pursuant to Public Utilities Code Section 1701.2(d), but requires the parties to submit a status report no later than April 18, 2003 demonstrating why this case should not be dismissed without prejudice.
(Comr Brown - ALJ McKenzie)
Outcome Signed
[D03-04-023](#)
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)

**CA-41
1957****Res W-4389 - California Water Service Company (CWSC).**

This resolution authorizes CWSC, Salinas District, to acquire two mutual water companies. (Advice Letters 1514 and 1515, filed May 7, 2002)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-42
1960****A02-08-013 - ITC^DeltaCom Communications, Inc. (DeltaCom) and ITC^DeltaCom, Inc.**

This decision grants the joint application of DeltaCom and ITC^DeltaCom, Inc., for approval of the indirect transfer of control of DeltaCom. This proceeding is closed.

(Comr Wood - ALJ O'Donnell)

Outcome Signed

[D03-04-024](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Management Reports and Resolutions

- M-3** **Executive Director William Ahern Report**
1951 Executive Director Duty Statement and Development Plan
 Outcome Information Only
 Yes: (none)
 No: (none)
 Abstain: (none)
 Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal Items

Orders Held Over

- HEX-1** **A00-11-038 - Conference with Legal Counsel - Application for Rehearing.**
1347 A00-11-056, A00-10-028 - Related matters. Disposition of Application for Rehearing of D02-06-070, as modified by D02-07-007, filed by Southern California Edison Company and Pacific Gas and Electric Company.
 (Agenda 3101, Item EX-5 11/21/2002 (Wood); Agenda 3103, Item HEX-2 12/17/2002 (Wood); Agenda 3105, Item HEX-1 1/16/2003 (Lynch); Agenda 3107, Item HEX-1 2/13/2003 (Lynch); Agenda 3108, Item HEX-1 2/27/2003 (Kennedy); Agenda 3109, Item HEX-1 3/13/2003 (Staff))
Outcome Signed
 D03-04-034
 Yes: (Brown, Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (none)
- HEX-2** **I02-07-015 - Conference with Legal Counsel – Application for Rehearing.**
1795 Disposition of application for rehearing filed by Pacific Gas and Electric Company (PG&E) of D02-11-030 which conditionally authorizes PG&E to issue up to \$9.5 billion of additional preferred stock and long term debt to implement the Commission's and the Official Committee of Unsecured Creditors' reorganization plan for the company currently pending in U.S. Bankruptcy Court.
 (Agenda 3109, Item EX-5 3/13/2003 (Staff))
Outcome Signed
 D03-04-035
 Yes: (Kennedy, Lynch, Peevey, Wood)
 No: (none)
 Abstain: (none)
 Absent: (Brown)

**HEX-3
1833****R02-06-041 - Conference with Legal Counsel – Application for Rehearing.**

Disposition of Application for Rehearing of D02-07-037 filed by The Utility Reform Network. D02-07-037 is the decision in Phase I of this proceeding. D02-07-037 adopts two rules concerning turned back gas capacity on the El Paso Natural Gas Company interstate natural gas pipeline system. It also provides California utilities with full cost recovery for their costs associated with their existing interstate pipeline capacity rights to the extent they comply with the adopted rules.
(Agenda 3109, Item EX-6 3/13/2003 (Staff))

Outcome Held (4/17/03)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**HEX-4
1834****A98-12-005 - Conference with Legal Counsel – Application for Rehearing.**

Disposition of Application for Rehearing of D01-09-045 filed by The Greenlining Institute and Latino Issues Forum (GL/LIF). D01-09-045 awarded intervenor compensation to GL/LIF and other parties for their contributions to D00-03-021.
(Agenda 3109, Item EX-7 3/13/2003 (Staff))

Outcome Signed

D03-04-036

Yes: (Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Brown)

Orders**EX-5 C00-03-017 - Conference with Legal Counsel – Application for Rehearing****1930**

Disposition of Application for Rehearing of D02-10-042, filed by Carol Fisch on November 02, 2002.

D02-10-042 granted Carol Fisch's petition for modification of D01-04-013, in part, and modified Findings of Fact 13 and 18 of that decision to more accurately reflect the record.

The petition was denied in all other respects.

Carol Fisch contends that D02-10-042's Findings of Fact 13 erroneously found that Garrapata Creek was the midpoint of the water line between Carol Fisch's property and the Garrapata Water System, and that its Findings of Fact 18 incorrectly held that Garrapata Water Company owned an easement for the water line south of Garrapata Creek.

Outcome Signed

D03-04-037

Yes: (Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Brown)

EX-6 A01-06-029 - Conference with Legal Counsel – Application for Rehearing**1959**

Disposition of the application for rehearing of D02-07-036 filed by Roseville Land Development Association.

D02-07-036 authorized Wild Goose Storage, Inc. ("Wild Goose") to expand its gas storage facilities in Butte County and to connect the expanded facility to a major transmission pipeline owned by Pacific Gas and Electric Company.

D02-07-036 also allowed Wild Goose to offer the additional storage capacity and related services at market-based rates.

However, D02-07-036 prohibited Wild Goose from engaging in any storage or hub service transaction with its parent company or any affiliate controlled by its parent company, and required Wild Goose to comply with other reporting requirements as specified in the Decision.

Outcome Signed

D03-04-038

Yes: (Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (Brown)

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

CA-43 A02-12-006 - Airespring, Inc.

1961 This decision grants Airespring, Inc. a certificate of public convenience and necessity to provide limited facilities-based and resold local exchange telecommunications service. This proceeding is closed.
(Comr Wood - ALJ O'Donnell)

Outcome Signed

[D03-04-025](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-45 A02-04-007 - Pacific Gas and Electric Company (PG&E).

1972 The Commission's D02-10-047 approves PG&E's application to enter into an agreement with a lakeside property owner permitting construction of a floating dock at Lake Almanor, subject to modifying certain language in the agreement. This decision grants PG&E's petition to enter the agreement without modifying its language.
(Comr Wood - ALJ Bemdesderfer)

Outcome Signed

[D03-04-026](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

CA-46 A02-11-031 - San Diego Gas & Electric Company (SDG&E).

(Rev.) This decision grants, with some modifications, the authority requested by SDG&E to recover electric
1948 CARE and Low Income Energy Efficiency Costs. This proceeding is closed.
(Comr Wood - ALJ Long)

04/02/2003 - This item appeared as (7) on the agenda distributed to the public.

Outcome Signed

[D03-04-027](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda**Utility and Transportation Orders**
Orders Held Over**H-1
1256 R97-10-049 - Rulemaking on the Commission's own motion to set rules and to provide guidelines for the privatization and excess capacity as it relates to investor owned water companies.**

This decision alters D00-07-018 to omit an unexplained advice letter filing exemption and to conform Ordering Paragraph 2 to the discussion in the decision text and the record in the proceeding. This proceeding is closed.

(Comr Kennedy - ALJ Bushey)

(Agenda 3101, Item CA-12 11/21/2002 (Duque); Agenda 3103, Item CA-9 12/17/2002 (Duque); Agenda 3106, Item H-4 1/30/2003 (Peevey); Agenda 3108, Item H-3 2/27/2003 (Kennedy))

Outcome Signed

[D03-04-028](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**H-2
1500 A02-03-059 - Pacific Bell Telephone Company (Pacific).**

This decision approves the arbitrated interconnection agreement filed by Pacific and Pac-West Telecomm, Inc., under Rule 4.2 of the Commission's revised rules governing filings made pursuant to the Telecommunications Act of 1996, pursuant to Subsection 252(e) of that Act. This proceeding is closed.

(Comr Wood - ALJ Ryerson)

(Agenda 3103, Item 11 12/17/2002 (Brown); Agenda 3105, Item H-8 1/16/2003 (Brown); Agenda 3107, Item H-8 2/13/2003 (Peevey); Agenda 3108, Item H-8 2/27/2003 (Kennedy); Agenda 3109, Item H-6 3/13/2003 (Kennedy))

Outcome Held (4/17/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-2a
1798****ALTERNATE TO ITEM 1500**

This alternate decision approves with modification the arbitrated interconnection agreement between SBC-California and Pac-West Telecomm, Inc. Issue number 14 of the Final Arbitrator's Report is modified to comport with prior Commission decisions, such that transport charges are applicable to VNXX traffic terminating outside of the originating local calling area.

(Comr Brown)

(Agenda 3108, Item H-8a 2/27/2003 (Kennedy); Agenda 3109, Item H-6a 3/13/2003 (Kennedy))

Outcome Held (4/17/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-3
1623****R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development.**

This decision grants, with certain modifications, the Motions filed by San Diego Gas & Electric Company and Pacific Gas and Electric Company on December 19, 2002 and December 20, 2002, respectively, requesting consideration and approval of Operating Agreements with the Department of Water Resources.

(Comr Peevey - ALJ Halligan)

(Agenda 3105, Item 11 1/16/2003 (Staff); Agenda 3106, Item H-15 1/30/2003 (Staff); Agenda 3107, Item H-12 2/13/2003 (Staff); Agenda 3109, Item H-7 3/13/2003 (Peevey))

Outcome Signed

[D03-04-029](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**H-3a
1971****ALTERNATE TO ITEM 1623**

This alternate differs from the Administrative Law Judge's draft decision in its treatment of how the WAPA load should be treated by DWR.

(Comr Peevey)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-4
1722****R02-01-011 - Order Instituting Rulemaking Regarding the Implementation of the Suspension of Direct Access Pursuant to Assembly Bill 1X and Decision 01-09-060.**

This decision adopts mechanisms to implement cost responsibility surcharges for customer generation departing load. The decision approves a Settlement Agreement subject to certain modifications.

(Comr Brown, Comr Wood - ALJ Pulsifer)

(Agenda 3108, Item 1 2/27/2003 (Peevey); Agenda 3109, Item H-9 3/13/2003 (Peevey))

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-4a
1800****ALTERNATE TO ITEM 1722**

This alternate order differs from the proposed decision in that it denies the Settlement Agreement proposed by parties. This decision finds that departing load should be assessed all the elements of the Direct Access Customer Surcharge Responsibilities as identified in D02-11-022 for direct access customers. However, this decision provides an exemption for customer generation eligible for net metering as well as ultra-clean and low-emission distributed generation as defined in Pub. Util. Code Section 353.2(a).

(Comr Lynch)

(Agenda 3108, Item 1a 2/27/2003 (Peevey); Agenda 3109, Item H-9a 3/13/2003

(Peevey))

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Kennedy, Peevey)

Abstain: (none)

Absent: (none)

**H-4b
1840****ALTERNATE TO ITEM 1722**

This alternate rejects the application of cost responsibility surcharges to customer generation departing load that meets certain eligibility criteria and falls within an annual cap. The alternate therefore also declines to adopt the multi-party Settlement Agreement.

(Comr Kennedy, Comr Peevey)

(Agenda 3109, Item H-9b 3/13/2003 (Peevey))

Outcome Signed (Comr. Lynch will file a dissent. Comr. Wood will file a dissent.)

[D03-04-030](#)

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

**H-5
1729**

R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of Direct Access pursuant to Assembly Bill 1X and D01-09-060.

This order grants the petition to modify filed on November 18, 2002, by San Diego Gas & Electric Company, seeking clarification of whether D02-11-022 exempts the 80 megawatts of United States Navy load referenced in the Decision from the components of the direct access cost responsibility surcharge.

(Comr Brown, Comr Wood - ALJ Pulsifer)

(Agenda 3108, Item CA-12 2/27/2003 (Brown); Agenda 3109, Item H-10 3/13/2003 (Brown))

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-6
1781**

A01-09-006 - Southern California Edison Company (Edison).

Application in the 2000/2001 revenue adjustment proceeding. This decision deems Edison's special contracts reasonably administered during the record period, and approves Low Emission Vehicles expenditures during record period and acknowledges a compliance filing. This proceeding is closed.

(Comr Brown - ALJ Sullivan)

(Agenda 3109, Item CA-7 3/13/2003 (Lynch))

Outcome Signed

[D03-04-031](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**H-7
1788**

A02-01-012 - Pacific Gas and Electric Company (PG&E).

This decision grants PG&E authorization pursuant to Pub. Util. Code § 851 to sell certain electric distribution and a few related transmission facilities in a portion of western Stanislaus County, including the City of Patterson, the Community of Crows Landing, and adjacent rural areas (the Westside Zone) to Turlock Irrigation District (TID), and approves a new service area agreement between PG&E and TID and other related transactions. This decision allocates PG&E's gain resulting from the sale of distribution assets to TID to PG&E shareholders pursuant to Redding II. This proceeding is closed.

(Comr Brown - ALJ Prestidge)

(Agenda 3109, Item 4 3/13/2003 (Brown))

Outcome Signed

[D03-04-032](#)

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

**H-7a
1973****ALTERNATE TO ITEM 1788**

This decision grants PG&E authorization pursuant to Pub. Util. Code § 851 to sell certain electric distribution and a few related transmission facilities in a portion of western Stanislaus County, including the City of Patterson, the Community of Crows Landing, and adjacent rural areas (the Westside Zone) to Turlock Irrigation District (TID), and approves a new service area agreement between PG&E and TID and other related transactions. The proceeding is bifurcated to address gain-in-sale issues.

(Comr Lynch)

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Kennedy, Peevey)

Abstain: (none)

Absent: (none)

Orders**1
1865 R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration and programs.**

This decision approves statewide and local energy efficiency programs for investor-owned utilities to implement in 2003.

(Comr Kennedy - ALJ Malcolm)

Outcome Held (4/17/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**2
1867 R95-04-043 - Order Instituting Rulemaking on the Commission's own motion into competition for local exchange service.**

I95-04-044 - Related matters. This decision modifies the Commission's policy adopted in D96-08-028 relating to the "grandfathering" of certain customers' area code designations in connection with geographic area code splits, whereby those customers are permitted to keep their original area code.

(Comr Lynch - ALJ Pulsifer)

Outcome Held (4/17/03)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**3
1868 R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and D01-09-060.**

This decision grants, in part, Albertson's Inc. petition to modify D02-03-055, to allow direct access (DA) customers to add new locations or accounts to DA service provided there is no net increase in the amount of load served under DA as of the date direct access was suspended, September 20, 2001.

(Comr Brown, Comr Wood - ALJ Pulsifer)

Outcome Held (4/17/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

3a ALTERNATE TO ITEM 1868**1873**

This alternate order differs from the proposed decision in that it denies the Petition for Modification of Albertson's. This decision finds that the intention of D02-03-055 is clear that new locations or new accounts are prohibited.

(Comr Wood)

Outcome Held (4/17/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

4**1872****A01-09-062 - California Water Service Company (Cal Water).**

For an order authorizing to increase rates charged for water service at each of its operating districts to recover increased operating expenditures at its General Office. A01-09-063, A01-09-064, A01-09-065, A01-09-066, A01-09-067, A01-09-068, A01-09-069, A01-09-070, A01-09-071, A01-09-072, A01-09-073, A01-09-074 - Related matters. This interim decision holds that the General Rate Case test-year results-of-operation and rates that will be adopted for Cal Water in this proceeding shall be effective as of the date of the adoption of this decision.

(Comr Kennedy - ALJ Bushey)

Outcome Signed

[D03-04-033](#)

Yes: (Brown, Kennedy, Peevey, Wood)

No: (Lynch)

Abstain: (none)

Absent: (none)

5**1876****C00-01-021 - Zacky & Sons Poultry Co. (Zacky), dba Zacky Farms vs. Southern California Edison Company (Edison).**

This decision approves the Presiding Officer's Decision (POD), with one minor change, and denies appeal of the POD. The POD finds that Zacky's complaint seeking electric service under Edison's agricultural tariff for a poultry processing plant is without merit. This proceeding is closed.

(Comr Lynch - ALJ Prestidge)

Outcome Held (4/17/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

6
1928

C00-01-001 - Air-Way Gins, Inc., et al. vs. Pacific Gas and Electric Company (PG&E).

This decision concludes that cotton ginning does not result in a "change of form" of harvested or "seed" cotton within the meaning of the eligibility statement for PG&E's agricultural tariffs. No change of form occurs because ginning results in the separation of the cotton fiber from the cottonseed, but neither the fiber nor the seed is severed, crushed, cut into, or otherwise irremediably damaged by ginning. As a result of this determination, the complainant cotton ginner is entitled to a refund for the relevant period of the difference between what they were billed for their ginning activities under PG&E's commercial tariffs and what they should have been billed for this work under the lower agricultural tariffs. For each complainant, the refund period extends back to the Fall of 1996; i.e., three years before the ginner first requested refunds from PG&E. This proceeding is closed.

(Comr Peevey - ALJ McKenzie)

Outcome Held (4/17/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

8
1970

A02-06-024 - Verizon California Inc. (Verizon).

This decision approves the arbitrated interconnection agreement (ICA) filed by Verizon and Pac-West Telecomm, Inc., under Rule 4.2 of the Commission's revised rules governing filings made pursuant to the Telecommunications Act of 1996, pursuant to Subsection 252(e) of the Act. The Commission finds that the ICA does not violate the requirements of Section 251 of that Act, the Federal Communications Commission's implementing regulations therefor, or the pricing standards set forth in Subsection 252(d) of the Act. This proceeding is closed.

(Comr Brown - ALJ Ryerson)

Outcome Held (5/8/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

8a
1983

ALTERNATE TO ITEM 1970

This decision approves with modification the arbitrated interconnection agreement filed by Verizon and Pac-West Telecomm. Issue number 3 of the Final Arbitrator's Report is modified to comport with prior Commission decision, such that transport charges are applicable to VNXX traffic terminating outside of the originating local calling area.

(Comr Brown)

Outcome Held (5/8/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

9 (Rev.) **R_____ - Order Instituting Rulemaking on the Commission's own motion to comply with**
1968 **the mandates of Senate Bill 1563 regarding deployment of Advanced Telecommunications**
 Technologies.

04/02/2003 - This item appeared as (CA-44) on the agenda distributed to the public.

Outcome Signed

[R03-04-003](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Utilities Resolutions and Written Reports**Energy Matters****E-1 Res E-3814 - Southern California Edison Company (SCE).****1750**

SCE seeks Commission approval of one power purchase agreement contributing toward procurement of at least an additional one percent of the utility's annual electric sales from renewable energy resources irrespective of the utility's residual net short. (Advice Letter 1680-E, filed January 14, 2003) (Agenda 3107, Item E-3 2/13/2003 (Brown); Agenda 3108, Item E-3 2/27/2003 (Staff); Agenda 3109, Item E-1 3/13/2003 (Brown))

Outcome Held (4/17/03. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-2 Res E-3816 - Southern California Edison Company.**1771**

For approval of one power purchase agreement (PPA) contributing toward procurement of at least an additional one percent of the utility's annual electric sales from renewable energy resources irrespective of the utility's residual net short. Consideration of this PPA had previously been deferred from Resolution E-3809 and is now being addressed here. (Advice Letter 1676-E, filed December 24, 2002)

(Agenda 3108, Item E-4 2/27/2003 (Staff); Agenda 3109, Item E-2 3/13/2003 (Staff))

Outcome Held (4/17/03. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-2a ALTERNATE TO ITEM 1771**1844**

This alternate resolution differs from the proposed resolution in that it denies approval of one power purchase agreement (PPA) which Southern California Edison Company (SCE) requests to enter into in 2003 to contribute toward procurement of at least an additional one percent of the utility's annual electric sales from renewable energy resources. Consideration of this PPA had previously been deferred from Resolution E-3809 and is now being addressed here.

(Comr Wood)

(Agenda 3109, Item E-2a 3/13/2003 (Staff))

Outcome Held (4/17/03. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-3 Res E-3801 - Pacific Gas and Electric Company (PG&E).**1778**

This resolution approves with modifications PG&E's tariff revisions to implement a flexible pricing option in accordance with Public Utilities Code Section 454.1. (Advice Letter 2276-E, filed August 26, 2002)

(Agenda 3109, Item E-3 3/13/2003 (Staff))

Outcome Held (4/17/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-3a ALTERNATE TO ITEM 1778**1962**

PG&E submits revisions to implement a flexible pricing option in accordance with PUC Code 454.1. Approved with modifications.

(Comr Peevey)

Outcome Held (4/17/03. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-4 Res E-3711 - Pacific Gas and Electric Company (PG&E), Southern California Edison
1843 (Edison), Southwest Gas Corporation (SWG), and San Diego Gas & Electric (SDG&E).**

PG&E requests authority to revise its electric and gas tariff to add language specifying payment options available to PG&E customers, including credit card payment and electronic billing and payments.

Edison requests approval of a form by which customers may receive and pay their Edison bills electronically through the Internet. SWG requests authority to revise tariffs to allow electronic billing.

SDG&E requests authority to add the definition of electronic billing to its rules, and to discontinue mailing a paper bill to customers enrolled in internet billing. The utilities' requests are approved, subject to compliance with certain consumer protection measures, and subject to certain modifications.

(PG&E Advice Letter (AL) 2221-G/1982-E, filed March 21, 2000; Edison AL 1446-E, filed March 30, 2000; SWG AL 622, filed October 31, 2000; SDG&E AL 1229-E-A/1200-E-A, filed August 10, 2000)

Outcome Held (4/17/03)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-5
1871**

Res E-3794 - Mountain Utilities.

Mountain Utilities requests approval to revise its rate schedule to eliminate a subsidy between customer classes. The revisions will result in a rate increase of approximately 16.71% to generation and distribution charges. In addition, Mountain Utilities is requesting to revise its tariff schedules to delete outdated rates. (Advice Letter 18-EA, filed October 9, 2002)

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**E-6
1874**

Res E-3817 - Sierra Pacific Power Company (Sierra).

This resolution approves Sierra's tariff revisions to reinstate an Energy Cost Adjustment Clause "Offset" Balancing Account Mechanism. (Advice Letter (AL) 294-E, filed January 8, 2003 and AL 294-E-A, filed February 6, 2003)

Outcome Held (4/17/03)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-7
1981**

Res E-3824

This resolution orders Southern California Edison Company and San Diego Gas & Electric Company to take all reasonable and necessary actions to implement the applicable provisions of the Governor's State of Emergency Proclamation, dated March 7, 2003. The utilities are directed to consult and cooperate with the California Department of Forestry to identify and remove those dead or dying trees in the designated zones of bark beetle infestation within Riverside, San Bernardino, and San Diego counties.

Outcome Approved

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Telecommunications Matters
C-1 Res T-16720 - Evans Telephone Company (Evans).**1535**

This resolution authorizes total intrastate revenue in the amount of \$9,652,486 for Evans for the test year 2003. This represents a reduction of \$1,943,414 to Evans' estimate of \$11,595,900 for total intrastate revenue for 2003. The Total Intrastate Rate Base amount for Evans is \$8,736,731 with an overall Intrastate Rate of Return of 10.00% for the test year 2003. Evans had requested a Total Intrastate Rate Base amount of \$12,756,407 for an authorized Overall Intrastate Rate of Return of 10.00%. Also authorized by this resolution is California High Cost Fund-A (CHCF-A) support for Evans for test year 2003 of \$1,048,675. Evans had requested CHCF-A support for 2003 of \$3,627,318. (Advice Letter 326, filed December 19, 2001)

(Agenda 3105, Item C-6 1/16/2003 (Staff); Agenda 3106, Item C-3 1/30/2003 (Staff); Agenda 3107, Item C-2 2/13/2003 (Brown); Agenda 3109, Item C-1 3/13/2003 (Lynch))

Outcome Defeated

Yes: (Lynch)

No: (Brown, Kennedy, Peevey, Wood)

Abstain: (none)

Absent: (none)

C-1a (Rev.) ALTERNATE TO ITEM 1535**1829**

This alternate resolution authorizes total intrastate revenue in the amount of \$10,282,075 for Evans for the test year 2003. This represents a reduction of \$1,313,825 to Evans' estimate of \$11,595,900 for total intrastate revenue for 2003. The Total Intrastate Rate Base amount for Evans is \$11,278,061 with an overall Intrastate Rate of Return of 10.00% for the test year 2003. Evans had requested a Total Intrastate Rate Base amount of \$12,756,407 for an authorized Overall Intrastate Rate of Return of 10.00%. Also authorized by this resolution is California High Cost Fund-A (CHCF-A) support for Evans for test year 2003 of \$1,803,612. Evans had requested CHCF-A support for 2003 of \$3,627,318.

(Advice Letter 326, filed December 19, 2001)

(Comr Brown)

(Agenda 3109, Item C-1a 3/13/2003 (Lynch))

03/27/2003 - This revision was not shown on the Agenda mailed to the public.

Outcome Approved

Yes: (Brown, Peevey, Wood)

No: (Kennedy, Lynch)

Abstain: (none)

Absent: (none)

**C-1b (Rev.) ALTERNATE TO ITEM 1535
1936**

This alternate resolution authorizes total intrastate revenue requirement of \$10,486,532 for Evans for test year 2003. This revenue requirement takes into account projected growth in Evans' labor-related costs and corporate expenses arising from infrastructure improvements and extended customer service hours. The Total Intrastate Rate Base amount for Evans is \$11,278,061 with an overall Intrastate Rate of Return of 10% for test year 2003. Also authorized by this resolution is California High Cost Fund-A support for 2003 of \$2,008,069. (Advice Letter 326, filed December 19, 2001)
(Comr Kennedy)

04/01/2003 - This revision was not shown on the Agenda mailed to the public.

Outcome Defeated

Yes: (Kennedy, Peevey)

No: (Brown, Lynch, Wood)

Abstain: (none)

Absent: (none)

Legislative Matters

Items

LEG-1 **AB 451 (Lowenthal)**

1975 Cellular telephone service billing statements.

Outcome Approved (Legislative Subcommittee Recommendation: Support the bill in concept.

)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

LEG-2 **AB 508 (McCarthy)**

1976 Telecommunications: commercial mobile radio services.

Outcome Approved (Legislative Subcommittee Recommendation: Oppose bill.)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

LEG-3 **AB 855 (Firebaugh and Levine)**

1977 Wireless telecommunications: access to state property.

Outcome Held (4/17/03)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

LEG-4 **AB 1457 (Assembly Utilities & Commerce Committee (Reyes, et.al.))**

1964 Telecommunications: High-Cost Fund-A.

Outcome **Approved (Legislative Subcommittee Recommendation: Support bill if amended.)**

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**LEG-5
1978****AB 1684 (Leno)**

Distributed energy.

Outcome Approved (Legislative Subcommittee Recommendation: Spot bill - work with author, support if amended.)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**LEG-6
1979****SB 67 (Bowen)**

Renewables Portfolios Standard.

Outcome Approved (Legislative Subcommittee Recommendation: Support bill.)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Commissioner's Reports
**CR-1
1854**
Commissioners' Report

Miscellaneous Commissioners' reports.

Outcome Information Only

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CR-2
1309**
Commissioner Lynch Report

Discussion of and action to modify the Commission's policy regarding misuse of state government property through use of inappropriate material.

(Agenda 3099, Item CR-2 11/7/2002 (Staff); Agenda 3101, Item CR-2 11/21/2002

(Staff); Agenda 3102, Item CR-2 12/5/2002 (Staff); Agenda 3103, Item CR-2 12/17/2002

(Staff); Agenda 3105, Item CR-2 1/16/2003 (Lynch); Agenda 3107, Item CR-2 2/13/2003

(Lynch); Agenda 3108, Item CR-2 2/27/2003 (Staff); Agenda 3109, Item CR-2 3/13/2003

(Staff))

Outcome Item Discussed

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CR-3
1974**
Commissioner Wood Report

Discussion of and action on assignment and reassignment of: R01-10-024 (Order Instituting Rulemaking to establish policies and cost recovery mechanisms for generation procurement and renewable resource development); R01-09-001/I01-09-002 (Commission's own motion to assess and revise the New Regulatory Framework for Pacific Bell and Verizon California Incorporated and Order Instituting Investigation on the Commission's own motion to assess and revise the New Regulatory Framework for Pacific Bell and Verizon California Incorporated; R01-08-028 (Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration and programs); and I03-02-033 (Order Instituting Investigation whether San Diego Gas & Electric Company, Southern California Gas Company and their holding company, Sempra Energy, Respondents, have complied with relevant statutes and Commission decisions, pertaining to Respondents' holding company systems and affiliate activities).

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Kennedy, Peevey)

Abstain: (none)

Absent: (none)

**CR-4
1982****President Peevey Report**

Discussion of the Energy Action Plan proposed by a subcommittee of the Energy Resources Conservation and Development Commission, the Consumer Power and Conservation Financing Authority, and the PUC. The Plan establishes shared goals and specific actions to ensure adequate, reliable, and reasonably-priced electrical power and natural gas supplies are achieved and provided through policies, strategies, and actions that are cost-effective and environmentally sound for California's consumers and taxpayers.

Outcome Information Only

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Management Reports and Resolutions

M-1
1855 **Management Reports**
Miscellaneous Management reports.
Outcome Information Only
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

M-2
1922 **Executive Director William Ahern Report**
Staff Report on Processing filings.
Outcome Information Only
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)